

FILED

1

JUN 11 2024

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, SDNC
BY *[Signature]* DEP CLK

THE UNITED STATES DISTRICT COURT
for the EASTERN DISTRICT of NORTH CAROLINA

7:24-CV-468-30

TIMOTHY OAMR HANKINS SR)	
Pro-se petitioner)	EMERGENCY EX-PARTE
)	PETITION
V.)	
)	FEDERAL QUESTION
The US CUSTOM AND BORDER PROTECTION)	18 USC § 1331
The US DEPARTMENT of TRANSPORTATION)	
NATIONAL HIGHWAY TRAFFIC)	STAY IN ALL ACTION & FEES
SAFETY ADMINISTRATION ES.AL.)	
Respondent,)	to proceed in FORMA PAUPERIS

NOW COMES THE PETITIONER, Timothy Omar Hankins pleading before the US Court seeking relief stating the following:

1. the US District Court has jurisdiction over the matter for Federal Question pursuant to 18 USC § 1331
2. The matter for the Court is a matter of the " DUE PROCESS OF THE LAW " clause pursuant to the Fourth , Fifth and Fourteenth Amendment , take more focus on the Fourth and unlawful seizure by the US Customs and Border and Protection without due process of the Law
 - I. The petitioner is now invoking the Fourth Amendment and asking for a hearing in the matter before US Customs es.al. take possession of two electrical cars and destroy them that are being held at a bonding warehouse in Wilmington NC.
 - II. The petitioner is asking for an emergency order to prevent any movement and or actions of the cars until such time the US Court hears the matter.

3. The Petitioner in an effort to give my two daughters something nice after a seven year messy divorce wants to buy them new electric cars. That idea was born when the petitioner had taken a free flight to Japan in July 2023. My son works for American Airlines. I fly for free.
4. The petitioner in good faith purchased two electrical cars while visiting China . mThe petitioner paid for the cars in full and the shilling in November 2023.
5. The cars arrived about May 25th, 2024 to the Shipping \Port in Wilmington NC.
6. The short version of what I understand is that the company that sold the petitioner the cars were not authorized to sell cars in the United States.
7. The matter for the Court is a matter of PRECEDENCE . It appears that while exercising my rights pursuant to the United States Constitution , the petitioner unintentionally violated a Federal Statute (**please see exhibit marked 1**)
8. The United States Constitution guarantees all citizens the right of LIFE LIBERTY AND THE PURSUANT of HAPPINESS
9. The US Customs had issued orders stating that we have to either obtain a booking with a shipping line to send the cars back within 5 days or they will unlawfully seize the cars and destroy them.
10. The petitioner was only trying to do what any good faith would do and that is to give his children something to be proud of , new electrical cars unlike anyone else's cars.
11. The mistake was made but the penalty doesn't fit the criminal act or unintentionally oversight . The petitioner has about \$50,000 in those two cars, my last bit of money .
 - I. Had Ford and Dodge not treated me so badly in the service department; on new vehicles that I purchased from them, I would not have been seeking cars from another country or another type of car.

II. It appears that the big car companies in the United States lobbied Congress for regulation on imported cars while mistreating the American citizens who buy their cars.

12. If anything, the petition should be fined and the cars released, I have not seen anything that indicates the cars are unsafe for the road.

13. As an out of work licensed contractor , I called US Customs before buying the cars to see if there is anything that I should know, they said it was not being that they are electrical and not emissions (no gas nor engine) , they said it was not a problem clearing them .

14. The petitioner received the call for the Shipping Broker about Customs decision on 60/10/2024 about 11:am. , yesterday

15. The petitioner stopped by the US Customs office at the Port and was talked to as if had killed many people. I would go talk to US Customs to see if we could come to an agreement but that Officer was really nasty in his attitude which was uncalled for.

16. The petitioner will consent to a far fine for my mistake but destroying my daughter's cars is not right nor far considering my intentional actions.


17. MOTION TO PROCEED TO IN FORMA PAUPERIS : please see the financial affidavit provided by the petitioner.

Wherefore the petitioner move the honorable Court in good faith and pray for the following:

1. An order to cease and desist and action on the cars until such time the Court hear the matter
2. An order having the Clerk of Court and or the U.S Marshals Service to serve the respondents

3. Within the order include a cease on any additional holding cost until such time the Court hears the matter.
4. If the US Customs insist on holding the cars or destroying them , petitioners pray that the court schedule an emergency hearing.
5. An order waiving any fees that accumulated due the delays in the examination / investigation into the matter.

I, Timothy Oamr Hakins Sr hereby affirm under the penalty of perjury that all statements herein to be true and correct to the best of my knowledge .

 this the 11th day of June, 2024
TIMOTHY OMAR HANKINS SR.

Otimothyhankins@gmail.com